

Message

From: Turk, David [Turk.David@epa.gov]
Sent: 2/3/2020 9:29:51 PM
To: Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Anderson, Steve [Anderson.Steve@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Lloyd, Tyler [Lloyd.Tyler@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Bushman, Daniel [Bushman.Daniel@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Thaler, Elizabeth [thaler.elizabeth@epa.gov]
Subject: RE: Question Regarding Scope of 721.10536 Definitions

Thank you for these thoughtful responses. We'll discuss internally and let you know if any follow-up questions or comments arise. At first blush, I think this response aligns with what we were anticipating.

From: Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>
Sent: Monday, February 03, 2020 4:27 PM
To: Turk, David <Turk.David@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Thaler, Elizabeth <thaler.elizabeth@epa.gov>
Subject: RE: Question Regarding Scope of 721.10536 Definitions

Dave, I've consolidated below the input received from within PTSLO on your question. Once you've had a chance to digest it all, please let us know if you have any additional questions or concerns that you need us to address. Thanks, Chris

From Steve:

Ex. 5 Attorney Client (AC)

From Don (initial impressions):

Ex. 5 Attorney Client (AC)

From Don (additional, clarifying input):

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Chris E. Kaczmarek
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From: Turk, David <Turk.David@epa.gov>
Sent: Thursday, January 30, 2020 1:14 PM
To: Anderson, Steve <Anderson.Steve@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Bushman, Daniel <Bushman.Daniel@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>
Subject: Question Regarding Scope of 721.10536 Definitions

Steve,

Ex. 5 Attorney Client (AC)

The PFAS structural definitions in 721.10536 that define which PFAS are being regulated include a range of chain lengths. There are PFAS (CASRN)s that are defined to have unknown chain lengths that may contain material

that could fit these definitions or not fit these definitions depending on the specific version of the PFAS being manufactured. The current policy under TSCA is to include such PFAS as covered under 721.10536. Tyler indicated that when the PFAS could contain $\text{-CF}_2\text{-}$ chains of unknown length, we assume that because the feasible chain lengths for the PFAS could fall within the structural definitions of 721.10536 (e.g., (iv) $\text{CF}_3(\text{CF}_2)_m\text{-CH}_2\text{-X}$ where X is any chemical moiety where m is defined as $6 < m < 21$) that .10536 regulates the PFAS. An example of such a PFAS would be:

245331-02-6

Poly(difluoromethylene), .alpha.-fluoro-.omega.-[2-(phosphonooxy)ethyl]-, sodium salt (1:2)

The above PFAS has an undefined number of $\text{-CF}_2\text{-}$ units (i.e., difluoromethylene); it could be assumed that there could be at least some material that would fall into the range 7 to 20 CF_2 units as in the SNUR definition.

Ex. 5 Attorney Client (AC)

As additional info to consider, in the docket for the .10536 SNUR, EPA provided an illustrative list of chemicals. This list includes chemicals where the chain length fits within the .10536 but could also fall outside of the definition.

-Dave, 202-566-1527